

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER TINKHAM ET EL.

V

CIVIL ACTION NO: 05-10470 MLW

DOREEN R. KELLY ET AL.

MOTION FOR PAYMENT OF COSTS OF PERSONAL SERVICE

Plaintiffs, Peter Tinkham and Juliet Alexander, move this Court for an order requiring Defendant Kennth Pontes to pay the costs of personal service, pursuant to Fed.R.Civ.P., 4(d).

On June 1, 2005, Defendant Kenneth Pontes was served with a notice of waiver, a copy of the Complaint, two forms of waiver of service, and a stamped, addressed envelope pursuant to Fed.R.Civ.P., 4(d). Defendant Kenneth Pontes did not return the acknowledgement of receipt of Complaint and failed to comply with the request for waiver within the time specified in Fed. R.Civ.P., 4(d)(2)(F), necessitating personal service of the Complaint and Summons.

Personal service on Defendant Kenneth Pontes cost \$ 225.00. In support of this motion, Plaintiffs submit the attached, viz., copy of waiver, copy of summons served, affidavit of Constable Stephen McGrath, and affidavit of Plaintiff ~~Alexander~~
TINKHAM

Dated: August 11, 2005



Peter Tinkham, Pro se.
P.O.Box 1075
Easton, MA 02334
207-364-3964
207-585-2137

SAO 398 (Rev. 12/93)

**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

ATTACHMENT 7

TO: (A) KENNETH PONTES
 as (B) _____ of (C) _____

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the

(D) EASTERN DIVISION District of MASSACHUSETTS
 and has been assigned docket number (E) 05-10470 MLW

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver

within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this

JUNE, 2005.

15th

day of


 Signature of Plaintiff's Attorney
 or Unrepresented Plaintiff

A—Name of individual defendant (or name of officer or agent of corporate defendant)

B—Title, or other relationship of individual to corporate defendant

C—Name of corporate defendant, if any

D—District

E—Docket number of action

F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

UNITED STATES DISTRICT COURT

EASTERN DIVISION

District of

MASSACHUSETTS

PETER TINKHAM

SUMMONS IN A CIVIL ACTION

V.

DOREEN R. KELLY

CASE NUMBER:

05 - 10470 MLW

TO: (Name and address of Defendant)

KENNETH PONTES
AREA DIRECTOR
DSS AREA OFFICE
30 MYSTIC STREET
HARTINGTON, MA 02474
781-641-850076 MOSS HILL ROAD
JAMAICA PLAIN
MASSACHUSETTS

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

JULIET ALEXANDER AND PETER TINKHAM
P.O. BOX 466
HOPKINTON
MASSACHUSETTS
01748-9998

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

(By) DEPUTY CLERK

DATE

3-11-05

SAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	7-8-05
NAME OF SERVER (PRINT) STEPHEN M MCGRATH	TITLE	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="margin-left: 40px;">76 MOSS HILL Rd, JAMAICA PLAIN, MA</div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <div style="margin-left: 40px;">Name of person with whom the summons and complaint were left:</div> <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL 35.-	SERVICES 150.-	TOTAL \$0.00 / 85.-
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on <u>7-8-05</u> <small>Date</small> </div> <div style="width: 60%;"> <u>Stephen M. McGrath</u> <small>Signature of Server</small> </div> </div> <div style="text-align: center;"> <u>POB 204 Foxboro MA 02035</u> <small>Address of Server</small> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.